

Message Text

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TO USMISSION IAEA VIENNA PRIORITY

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E.O. 11652: N/A

TAGS: TECH, ENRG

SUBJECT: QUESTIONS FROM SENATE COMMITTEE ON GOVERNMENT
OPERATIONS

1. IN A LETTER TO DEPUTY SECRETARY INGERSOLL, SENATOR
GLENN, AD HOC CHAIRMAN FOR NUCLEAR MATTERS, SENATE COMMITTEE
ON GOVERNMENT OPERATIONS, REQUESTS RESPONSES TO A SERIES OF
QUESTIONS RELATING TO OUR NUCLEAR EXPORT POLICIES AND NON-
PROLIFERATION. ONE SECTION (PARA 2 BELOW) DEALS WITH THE
COMPTROLLER GENERAL'S REPORT, THE ROLE OF THE INTERNATIONAL
ATOMIC ENERGY AGENCY IN SAFEGUARDING NUCLEAR MATERIAL. WE
WOULD APPRECIATE MISSION'S PREPARING DRAFT RESPONSES TO
QUESTIONS 2 AND 7 AND PROVIDING ANY CONTRIBUTION TO THE
OTHERS THAT IT CAN. INPUT NEEDED BY FEBRUARY 23.

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2. QUESTIONS ON GAO REPORT ON IAEA SAFEGUARDS.

PLEASE COMMENT ON THE FOLLOWING FINDINGS, CONCLUSIONS,
AND RECOMMENDATIONS OF THE COMPTROLLER GENERAL'S REPORT,

ROLE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN SAFE-GUARDING NUCLEAR MATERIAL, INCLUDING ANSWERS TO SPECIFIC QUESTIONS THAT ARE POSED AFTER EACH ITEM:

1) "THE REAL EFFECTIVENESS OF IAEA SAFEGUARDS IS NOT KNOWN. THERE IS NO PUBLIC EVIDENCE TO SHOW WHETHER IAEA SAFEGUARDS HAVE PREVENTED OR DETECTED DIVERSION OF NUCLEAR MATERIAL FROM INTENDED PEACEFUL PURPOSES. THE MERE FACT THAT IAEA HAS NEVER DISCLOSED A DIVERSION IS NOT SUFFICIENT ASSURANCE TO MANY COUNTRIES THAT IAEA SAFEGUARDS ARE EFFECTIVE."

(A) IS THERE ANY EVIDENCE TO CONTRADICT THIS CONCLUSION?

(B) GIVEN THE SECRECY OF SPECIFIC IAEA SAFEGUARDS ARRANGEMENTS IN EACH COUNTRY, WHAT ASSURANCE DO WE HAVE THAT THE SAFEGUARDS ARE EFFECTIVE?

2) "U.S. AND IAEA OFFICIALS GENERALLY CONCEDED THAT A COUNTRY COULD CIRCUMVENT SAFEGUARDS IF IT WAS WILLING TO ASSUME THE RISK OF DETECTION, INCUR THE EXPENSE, AND TAKE THE TROUBLE TO DO SO."

(A) GIVEN PRESENT LEVELS OF IAEA INSPECTION AND INSTRUMENTATION, WHAT IS THE ACTUAL RISK OF DETECTION? PLEASE SPECIFY, WHERE POSSIBLE, KNOWN LIMITS OF ERROR, FREQUENCY OF INSPECTIONS, AND EXTENT OF APPLICATION OF TAMPER-INDICATING CAMERAS AND SEALS.

3) "LIMITATIONS IN THE SCOPE AND APPLICABILITY OF IAEA INSPECTIONS MUST ALSO BE RECOGNIZED. IAEA SAFEGUARDS ARE DESIGNED ONLY TO DETECT DIVERSIONS AT THE NATIONAL LEVEL. IAEA SAFEGUARDS DO NOT INCLUDE PHYSICAL PROTECTION, THE SAFE INTERNATIONAL TRANSPORT OF NUCLEAR MATERIAL, OR THE SAFEGUARDING OF NUCLEAR WASTE. IT DOES NOT HAVE AUTHORITY TO SEEK OUT UNDECLARED OR CLANDESTINE NUCLEAR LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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FACILITIES AND CANNOT PURSUE OR RETRIEVE DIVERTED NUCLEAR MATERIAL."

GIVEN THE ABOVE-CITED LIMITATIONS OF IAEA SAFEGUARDS:

(A) HOW ARE WE ASSURED THAT PHYSICAL PROTECTION IN EACH NATION TO WHICH WE EXPORT IS ADEQUATE, PARTICULARLY IN VIEW OF THE FACT THAT PHYSICAL PROTECTION IS NOT COVERED IN OUR AGREEMENTS FOR NUCLEAR COOPERATION WITH OTHER NATIONS?

(B) HOW ARE WE ASSURED THAT TRANSPORTATION OF U.S.-DERIVED NUCLEAR MATERIAL BETWEEN NATIONS IS SAFE AS WELL AS

SECURE FROM NATIONAL DIVERSION OR TERRORIST ATTACK?

(C) HOW ARE WE ASSURED THAT STORAGE OF U.S.-DERIVED NUCLEAR WASTE MATERIAL IS SAFE AS WELL AS SECURE FROM NATIONAL DIVERSION OR TERRORIST ATTACK?

(D) HOW ARE WE ASSURED THAT UNDECLARED OR CLANDESTINE NUCLEAR FACILITIES WILL BE DISCOVERED AND THAT ANY DIVERTED NUCLEAR MATERIAL WILL BE RETRIEVED? IS THE UNITED STATES PREPARED TO ACT UNILATERALLY IN THIS REGARD? IF SO, IN WHAT WAYS, INCLUDING ANY MONITORING METHODS NOW BEING USED?

4) "WITH THE EXPECTED SPREAD OF PEACEFUL USES OF NUCLEAR ENERGY THROUGHOUT THE WORLD, THE PROBLEMS ENCOUNTERED IN THE ADMINISTRATION AND IMPLEMENTATION OF THE IAEA SAFEGUARDS SYSTEM CAN BE EXPECTED TO INCREASE."

IN WHAT SPECIFIC WAYS ARE WE DEALING WITH THE FOLLOWING PROBLEMS CITED BY THE COMPTROLLER GENERAL:

(A) "THE ADEQUACY OF MATERIAL ACCOUNTABILITY RECORDS WITHIN THE MEMBER COUNTRIES AND THEIR COMPATIBILITY WITH THE IAEA SYSTEM."

(B) "THE CONTINUING NEED FOR MORE ADVANCED MEASURING INSTRUMENTATION FOR INSPECTORS."

(C) "THE DIFFERENCES IN SAFEGUARDS AGREEMENTS WITH MEMBER COUNTRIES AND THEIR INTERPRETATION."
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(D) "THE EQUITABLE APPORTIONMENT OF THE COSTS OF THE SAFEGUARDS SYSTEM AMONG MEMBER COUNTRIES."

5) "BY THE TIME (IAEA) SANCTIONS ARE MADE, THE (OFFENDING) COUNTRY MAY HAVE HAD SUFFICIENT TIME TO COMPLETE ITS WEAPONS DEVELOPMENT. IT IS ALSO NOT CLEAR HOW IAEA-SPONSORED MATERIAL WOULD BE RETRIEVED. IN VIEW OF THE DANGERS INVOLVED IN THE SPREAD OF NUCLEAR WEAPONS CAPABILITY, STRONGER PENALTIES MAY BE NEEDED FOR THOSE WHO MIGHT VIOLATE THEIR PLEDGE TO USE NUCLEAR MATERIAL FOR PEACEFUL PURPOSES."

(A) WHAT ARE THE UPPER AND LOWER LIMITS OF HOW MUCH TIME A NATION WOULD NEED TO FABRICATE NUCLEAR WEAPONS ONCE THE NECESSARY MATERIAL IS OBTAINED? IS THE IAEA DETECTION AND REPORTING SYSTEM FAST ENOUGH TO OPERATE WITHIN THIS TIME FRAME?

(B) IN THE EVENT OF A CONFIRMED DIVERSION, HOW DO WE EXPECT THAT THE DIVERTED MATERIAL WILL BE RETRIEVED?

(C) OTHER THAN RECALL OF IAEA-SPONSORED MATERIAL AND TECHNICAL ASSISTANCE, AS WELL AS SUSPENSION OF IAEA MEMBERSHIP RIGHTS AND PRIVILEGES, WHAT OTHER PENALTIES AND SANCTIONS, IF ANY, ARE TO BE APPLIED TO NATIONS THAT VIOLATE IAEA SAFEGUARDS? ARE PRESENT SANCTIONS STRONG ENOUGH? IS THE UNITED STATES PREPARED TO ACT UNILATERALLY AGAINST OFFENDING NATIONS? IF SO, IN WHAT WAYS?

6) "SINCE 1968, THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY HAS AWARDED ABOUT \$3.3 MILLION IN CONTRACTS TO U.S. FIRMS FOR RESEARCH ON SAFEGUARDS INSTRUMENTATION AND TECHNIQUES BASED ON THE NEEDS DEVELOPED AND IDENTIFIED BY IAEA. OTHER SUPPORT, SUCH AS INFORMATION AND PUBLICATIONS MADE AVAILABLE BY THE ATOMIC ENERGY COMMISSION (NOW ERDA) IS NOT READILY QUANTIFIABLE."

(A) IN VIEW OF THE BILLIONS OF DOLLARS SPENT TO PROMOTE DEVELOPMENT OF CIVILIAN NUCLEAR POWER IN THE UNITED STATES AND ABROAD, IS THIS LEVEL OF ASSISTANCE FOR IAEA LIMITED OFFICIAL USE
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SAFEGUARDS ADEQUATE?

(B) IN WHAT WAYS, IF ANY, WILL SUCH ASSISTANCE BE INCREASED IN THE FUTURE?

7) "...IAEA DOES NOT PROVIDE TO OTHER MEMBER COUNTRIES THE RESULTS OF ITS INSPECTIONS OR RELATED DOCUMENTS, ON THE GROUNDS THAT HOST COUNTRY PROPRIETARY INFORMATION MIGHT BE DISCLOSED..."

(A) HOW DO WE KNOW THAT IAEA SAFEGUARDS ARE EFFECTIVE IF WE DO NOT KNOW THE RESULTS OF IAEA INSPECTIONS?

(B) IN WHAT WAYS, IF ANY, ARE WE ATTEMPTING TO OPEN UP THE IAEA SYSTEM? IS PROTECTING "PROPRIETARY INFORMATION" SUFFICIENT REASON TO KEEP IT CLOSED IN RELATION TO THE IMPORTANCE OF ATTAINING NON-PROLIFERATION OBJECTIVES?

(C) IN PARTICULAR, PLEASE COMMENT ON THE COMPTROLLER GENERAL'S RECOMMENDATION THAT "IAEA PUBLISH ANNUALLY A REPORT SHOWING, BY MEMBER COUNTRY, THE AMOUNT OF NUCLEAR MATERIALS SUBJECT TO ITS SAFEGUARDS AND THE AMOUNT AND/OR PERCENTAGE OF MATERIAL WHICH COULD NOT BE ACCOUNTED FOR DURING THE INSPECTIONS, WHILE NOT DIVULGING HOST COUNTRY PROPRIETARY INFORMATION." INGERSOLL

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